

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2013090062

ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT

On August 27, 2013, Parent on behalf of Student (Student) filed a Due Process Hearing Request¹ (complaint) naming the San Dieguito Union High School District (District). On September 6, 2013, the District filed a Notice of Insufficiency (NOI) as to the complaint. On September 11, 2013, the Office of Administrative Hearings (OAH) sustained the District's NOI as to Student's entire complaint, gave Student 14 days to file an amended complaint, and instructed Student how to obtain assistance from an OAH mediator in drafting an amended complaint.

Student filed an amended complaint on September 30, 2013. On October 1, 2013, the District filed an NOI as to the amended complaint. On October 3, 2013, OAH sustained the District's NOI in part and overruled in part, and gave Student the right to file an amended complaint by October 17, 2013.

On October 11, 2013, Student submitted a request to extend the deadline for filing an amended complaint, to allow Student, who is unrepresented by counsel, to obtain assistance from an OAH mediator in drafting the amended complaint. The District has not filed an opposition.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C.

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

§1415(c)(2)(E)(i).)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student's request for additional time to file an amended complaint is granted.

ORDER

1. Student shall have until the close of business on November 7, 2013, to file an amended complaint pursuant to the terms of the Order of Determination of Sufficiency of Due Process Complaint, dated October 3, 2013.

2. The mediation, prehearing conference and hearing shall proceed as scheduled, unless otherwise ordered.

IT IS SO ORDERED.

Dated: October 24, 2013

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

² All statutory citations are to Title 20 United States Code unless otherwise indicated.